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Message Text

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PAGE 01 KUALA 00616 240923Z
ACTION EA-12

INFO OCT-01 ISO-00 L-03 SNM-05 CPR-01 /022 W
----------115982 241815Z /46
R 240846Z JAN 78
FM AMEMBASSY KUALA LUMPUR
TO SECSTATE WASHDC 1908
INFO DEA HQS WASHDC
AMEMBASSY BANGKOK
AMCONSUL CHIANG MAI

C O N F I D E N T I A L KUALA LUMPUR 0616

BANGKOK AND CHIANG MAI FOR DEA

E.O.11652: GDS
TAGS: SNAR, PDIP, MY
SUBJECT: REQUEST FOR WAIVER OF IMMUNITY FOR DEA AGENT TO TESTIFY IN MALAYSIAN TRIAL

REF: A) 77 STATE 040722

1. SUMMARY. THE GOM HAS REQUESTED THAT DEA SPECIAL AGENT WILLIAM FEASER (NOW STATIONED IN CHIANG MAI) TESTIFY IN A CASE IN WHICH HE ACTED AS AN UNDERCOVER AGENT. BECAUSE THE CASE INVOLVES A FAVORABLE PRECEDENT FOR THE USE BY MALAYSIAN POLICE OF AGENTS PROVOCATEURS, WE RECOMMEND THAT A WAIVER OF IMMUNITY BE GRANTED AND THAT FEASER BE AUTHORIZED TO TESTIFY. THE PRELIMINARY INQUIRY COMES UP JANUARY 30. END SUMMARY.

2. IN JUNE 1977 A DEA INFORMANT REPORTED TO THE DEA KL OFFICE THAT HE HAD BEEN APPROACHED BY A MALAYSIAN-BASED HEROIN TRAFFICKING SYNDICATE TO ACT AS A COURIER TO EUROPE. DURING THE COURSE OF THE CASE, SA WILLIAM FEASER, THEN STATIONED IN
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KL, WAS INTRODUCED TO TWO FRONT MEN FOR THE SYNDICATE AS ANOTHER POTENTIAL COURIER. ALTHOUGH THE TWO TALKED QUITE FREELY IN FEASER'S PRESENCE ABOUT THEIR INTENTIONS TO SMUGGLE HEROIN, THEY EVENTUALLY REJECTED HIM AS A COURIER BECAUSE HE WAS TOO YOUNG-LOOKING. ACTING ON THE BASIS OF INTELLIGENCE SUPPLIED BY DEA, IN AUGUST THE ALAYSIAN POLICE

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ARRESTED THE TWO FRONT MEN, ONE OF WHOM WAS IN
POSSESSION OF HEROIN AT THE TIME. TESTIMONY BY
THE TWO SUBSEQUENTLY LED TO THE ARREST OF THEIR
SOURCE OF SUPPLY. IN ORDER TO MAKE A CASE AGAINST THE
SECOND FRON MAN AND THE SOURCE OF SUPPLY, THE
POLICE WANT FEASER TO TESTIFY ABOUT HIS CON-
VERSATIONS AS A POTENTIAL COURIER RECRUIT WHILE
UNCER COVER.

3. THE DANGEROUS DRUGS ORDINANCE WAS AMENDED LAST
YEAR TO ALLOW THE USE OF AGENTS PROVOCATUEURS BY
THE POLICE IN NARCOTICS CASES, BUT THE POLICE HAVE
BEEN RELUCTANT TO DO SO BECAUSE THERE IS NO LEGAL
PRECEDENT AND THEY ARE CONCERNED THAT CASES MADE
WITH AGENTS PROVOCATEURS WILL BE THROWN OUT BY
THE COURTS DESPITE THE AMENDMENT TO THE LAW.
THIS CASE OFFERS AN OPPORTUNITY TO HELP ESTABLISH
THE PRECEDENT WITHOUT UNDULY JEOPARDIZING THE WHOLE
CASE SINCE AT LEAST ONE OF THE DEFENANTS WAS
ARRESTED IN POSSESSION OF SEVEN AND ONE HALF
POUNDS OF HEROIN. SA FEASER IS THE ONLY WITNESS,
BESIDES POLICE OFFICERS, AVAILABLE FOR TESTIMONY.

4. THE EMBASSY RECOMMENDS THAT THE DEPT. AUTHORIZE
A WAIVER OF IMMUNITY FOR FEASER SO THAT HE CAN
COME TO KUALA LUMPUR AND TESTIFY IN THIS CASEON OR ABOUT
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JANUARY 30. WHEN THE POLIE FIRST INFORMALLY REQUESTED FEASER'S
TESTIMONY, DEA SAIC POWERS OBJECTED BECAUSE OF
FEASER'S DIPLOMATIC IMMUNITY. HOWEVER, THE POLICE
HAVE INSISTED THAT FEASER'S TESTIMONY IS NECESSARY
TO SECURE CONVICTIONS AND TO CONFIRM THE PRACTICE
OF USING AGENTS PROVOCATEURS. NO SUBPOENA HAS
BEEN PRESENTED FOR FEASER'S APPEARANCE AND WE HAVE
MADE IT CLEAR TO THE POLICE, AND WILL DO SO TO THE
COURT, THAT HIS APPEARANCE WILL BE FULLY VOLUNTARY.
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Message Attributes

Automatic Decaptioning: X
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Control Number: n/a
Copy: SINGLE
Draft Date: 24 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
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Legacy Key: link1978/newtext/t19780130/aaaaaywb.tel
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